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In re Application of ROMERO et al :
U.S. Application No.: 10/537,148 :
PCT Application No.: PCT/AU2003/001620 :
Int. Filing Date: 05 December 2003 : COMMUNICATION
Priority Date Claimed: 05 December 2002 :
Attorney Docket No.: 11474.0NEW :
For: GLUE LINE USE OF BIFENTHRIN IN :
WOOD PRODUCTS :
:

This is in response to applicant's "Response to Notification of Defective Response" filed 12 April 2006.

BACKGROUND

On 05 December 2003, applicant filed international application PCT/AU2003/001620, which claimed priority of an earlier Australia application filed 05 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 17 June 2004. The thirty-month period for paying the basic national fee in the United States expired on 05 June 2005.

On 02 June 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 September 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 November 2005, applicant filed an executed declaration.

On 27 February 2006, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the name of the first inventor does not match that shown in the published international application.

On 12 April 2006, applicant filed the present response.

DISCUSSION

A review of the application file reveals that the name of the first inventor is listed in the international application as "Javier Romero" while the given name is listed in the declaration as "Francisco Javier Romero Amaya". In that this is clearly more than a mere typographical error or transliteration error, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400.00 as well as a statement from the inventor and statements from any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

Because the correspondence filed 12 April 2006 appears to be a bona fide attempt to respond to the Notification of Defective Response, applicant is given ONE (1) MONTH from the mail date of this communication in order to submit a newly executed declaration which lists the inventors as shown in the published international application or a proper petition under 37 CFR 1.182. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are NOT available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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